

**NAVAL AIR STATION (NAS) ALAMEDA RESTORATION ADVISORY BOARD  
MEETING SUMMARY**

Building 1, Suite #140, Community Conference Room  
Alameda Point  
Alameda, California

Tuesday, 4 January 2000

**ATTENDEES:**

See the attached list.

**MEETING SUMMARY**

**I. Approval of Minutes**

Mary Sutter, Community Co-chair, commenced the meeting at 6:35 p.m. Steve Edde, Environmental Liaison, noted that Bill Kaktis, RPM at EFA West, amended his presentation in the November minutes. Mr. Edde distributed copies of the November minutes at the meeting. Ms. Sutter made a motion to defer approval of the November minutes to allow the RAB an opportunity to review it. She called for changes to the December minutes. She noted that on page 8, first paragraph, the seventh sentence should begin with [changes are in italics]: "Mr. Edde replied in the affirmative...." Also, on page 4, the fourth paragraph, the second sentence should begin with: "He added that PG&E was also located across the marsh area." On the same page, Ken Kloc noted that in the first sentence of the fifth paragraph, "crisis" should be changed to "thesis." Ms. Sutter moved to approve the minutes as amended.

**II. Co-chair Announcements**

Michael McClelland, Navy Co-chair, announced that in response to comments from Coast Guard housing residents, the Navy will realign the fence next to the housing office to allow use of the baseball field as well as the volleyball and picnic areas. There are four new proposed play areas for which the Coast Guard has purchased playground equipment. The Navy will excavate down to 2 feet and take soil samples, the results of which will determine whether the Navy will backfill with clean soil, or further excavate to 4 feet. The start date of the excavation date depends upon how quickly the contract with IT Corporation can be finalized.

Ken Kloc asked as to the polycyclic aromatic concentrations used to determine the new boundaries of the fence. Mary Rose Cassa, Department of Toxic Substances (DTSC), replied that she will provide a color-coded map that reflects the concentrations, adding that the fence will be moved to accommodate sports activities in areas that are least impacted. In response to Ms. Sutter's inquiry, Mr. Edde stated that the fence will be moved by the end of January.

Mr. McClelland stated that Alameda Point is now in the Treasure Island (TI) team. Michael Bloom has been selected as the new lead remedial project manager (RPM) for both Alameda Point and TI. Mr. Torrey noted that Mr. Bloom had facilitated the Oakland RAB meetings. Anne Klimek, Environmental Business Line Team Leader, will move to San Diego to work with Mr.

McClelland and Mr. Bloom. Mr. McClelland's office will move on 13 January; he does not yet know his new telephone number.

Mr. Edde presented a certification of appreciation to Jo-Lynne Lee for her dedicated volunteer service as the 1999 Co-chair of the Alameda Point RAB. Ms. Lee presented a plaque to Mr. Edde to commend him for his services as Navy Co-chair.

As a result of the presentation given by Mr. Marty Martinson, a former base firefighter, during the November 1999 RAB meeting, Ms. Sutter announced that James Leach has put together a resolution on behalf of the RAB regarding the health problems currently being faced by former base firefighters. She asked members to review the resolution and encouraged them to suggest any changes. Mr. McClelland stated that he would look into whom this resolution should be forwarded to within the Navy.

Mr. Torrey announced that he has been summoned to appear as a prospective juror on 18 January; he may be unable to attend the February RAB meeting.

### **III. New Member Recruitment**

Ms. Sutter stated that Tom Palsak's resignation from the RAB leaves 17 current RAB members. Mr. Torrey commented that in 1994, there were 22 members and about 7 regulators. Ms. Lee suggested that an advertisement be posted in the newspapers and the *Milestones* newsletter. She commented that efforts should be made by all members to recruit people from their communities, adding that diversity in terms of geographic location is one criteria for RAB membership. Mr. Leach stated that he had joined the RAB as a result of seeing an advertisement in the newspaper. He suggested that the pending advertisement include the purpose of the RAB as well as any qualifications required. Ms. Lee suggested that an advertisement be included in the next issue of the newsletter. In response to Ms. Sutter's inquiry about the Planning Board's advertisements in the *Alameda Journal*, Lisa Fasano, Bay Area Community Relations, explained that the Planning Board sends a press release and an agenda to the *Alameda Journal* which are typically printed without cost. Daniel Zerga noted that the TI RAB posted a fairly large advertisement to solicit new RAB members in the *San Francisco Chronicle*.

Kurt Peterson suggested that recruitment efforts also include people who live or work on the former base. Ms. Fasano stated that the leasing office generates a newsletter in which an advertisement may be posted. She will provide the contact information of the resident manager who may be able to provide a list of the residential and business tenants. Dina Tasini, City of Alameda, stated that she will also check the list of Annex tenants. Robert Berges commented that he is wary of recruiting members whose involvement is based solely on business interests.

Ken O'Donoghue stated that one of the original criteria of RAB membership are those who are affected by decisions made regarding the base, including businesspeople. He recalled that there was also a debate as to how far the geographical radius should extend, from which members should be recruited. The original charter members did represent business interests, although they did not remain long. He noted that business tenants are affected by decisions made about the base cleanup and reuse, adding that he is uncertain if they should be excluded. Mr. Edde added that Doug DeHaan is both a base resident and business owner.

#### **IV. Operable Unit 3 (OU-3) Update**

Mr. Kaktis stated that OU-3 is located on the northwest portion of the base. He distributed a handout that will be included in the monthly mailing. Mr. Kaktis explained that as a result of comments submitted by the BRAC Cleanup Team (BCT) and RAB members, an additional investigation was conducted from 7 to 10 December. The results will be received by the end of January; he will give a report at the March RAB meeting.

Mr. Kaktis stated that one of the concerns put forth pertained to the possibility of groundwater migration to the west and to the north that may impact aquatic receptors. In addition, there was uncertainty as to whether there was an additional source for the hot spot located east of well M028. The depth of the soil cover was also measured as it determines the amount of material to be brought in, if a cap is chosen as a remedy. In response to Ms. Sutter's inquiry, Mr. Kaktis stated that the sampling went down to at least 2 feet, and the soil cover was thicker than expected.

Soil-gas monitoring was conducted to determine if methane was emanating from the soil. Mr. Kloc inquired if the sampling involved testing for vinyl chloride and other chlorinated organics, and Mr. Kaktis replied in the affirmative. In response to Dianne Behm's inquiry, Mr. Kaktis stated that there are no vents in the landfill cells. Ms. Behm asked if the concern about the possibility of methane emission is emergent. Mr. Job explained that there were no existing requirements for gas treatment when the landfills were first built.

Mr. Kaktis explained that gas emission will be addressed within the landfill cap design. He confirmed that gas is escaping, but that he does not know its magnitude. Walter McMath asked as to the source of the methane, and Mr. Kaktis replied that the primary source is the decomposing debris in the landfill cells. In response to Ms. Sutter's inquiry, Mr. Edde stated that the landfill was closed in 1956.

In response to Walter McMath's inquiry, Mr. Kaktis referred attendees to the third diagram. He explained that the solid black dots represent the original wells or well clusters in the RI, whereas the X's represent the new samples taken during the additional investigation conducted last December. The BCT commented that since some of the well points are far apart, there may be migration occurring between the sampling points. The objective of the additional investigation was to fill data gaps.

Mr. Peterson asked if the investigation is related to the funnel and gate project, which involved the use of plastic balls. Mr. Kaktis replied that the two projects are separate, but that the funnel and gate project is still ongoing. Mr. Edde added that the funnel and gate project is still operational, but as a passive system. The groundwater now flows slowly through the gates, the second of which is a biosparging gate wherein plastic balls were used to enhance the growth of bacteria that eat petroleum products.

Ms. Lee asked as to the results of the project. Brad Job, Regional Water Quality Control Board (RWQCB), commended the technology. He noted that it was not particularly suited for this application as the water was not flowing through the gate fast enough to be effective. In response to Ms. Lee's inquiry, Mr. Kaktis stated that the funnel and gate project will be addressed in the feasibility study (FS) in an expanded version, with respect to more surface area for groundwater to flow through. He is unsure as to when the next draft of the FS will be issued, as it depends on the results of the groundwater sampling.

## **V. Project Teams, Round Table**

### **OU-3 Project Team**

Ms. Sutter stated that the focus group submitted comments on the FS. She stated that she has extra copies of the comments from the Environmental Protection Agency (EPA) which Ms. Lee distributed during the previous RAB meeting.

### **Petroleum Correction Action**

With Mr. Palsak having retired from the RAB, Ms. Sutter inquired if the Underground Storage Tank (UST)/Fuel Line Removal focus group is still needed. In response to Ms. Lee and Mr. Kloc's suggestions, the focus group will address both the hot spots discovered during additional related work, as well as the former Comprehensive Environmental Restoration Compensation and Liability Act (CERCLA) sites that were transferred to the petroleum program. Ms. Cassa noted that a basewide petroleum corrective action plan (CAP) will be released in the next few months for the focus group's review. Ms. Lee suggested that the focus group be renamed "Petroleum Corrective Action." Ms. Lee joined the focus group. Ms. Sutter asked Mr. McClelland to provide the name of the current Navy contact person.

### **Environmental Baseline Survey (EBS)/Tiered Screening/Transfer Documentation**

There was no report on this topic. Ms. Behm joined the focus group. Mr. Edde stated that the Navy contact is Anne Klimek.

### **Marsh Crust**

Mr. Peterson and Mr. Kloc joined the focus group. Mr. Edde stated that the Navy contact is Anne Klimek. Ms. Cassa stated that the Draft Final FS will be issued in January for the focus group's review. Mr. Kloc commended Phillip Ramsey, Environmental Protection Agency (EPA) for providing the soil sampling data on the East housing area in a timely manner. Mr. Kloc noted that the highest levels of benzo(a)pyrene were around 1 part per million (ppm), which is within the risk window. This range is between the EPA preliminary remediation goal (PRG) of .05 ppm, or 1/1,000,000 lifetime risk; to 5 ppm, or 1/10,000 lifetime risk. Risks above 1/10,000 necessitate remedial action, whereas risks below 1/1,000,000 do not. In response to Mr. Leach's inquiry, Mr. Job stated that refineries cannot discharge benzene concentrations above .375 parts per billion (ppb). Benzo(a)pyrene, on the other hand, is not typically found in water. He commented that PRGs are relatively conservative assumptions. Mr. Kloc stated that he will comment on the soil sampling data at a later date.

With respect to the proposed city ordinance on the marsh crust, Mr. Kloc noted that the City's response to the comments put forth by Arc Ecology was unsatisfactory (the comments were included in the previous mailing). One of the main points still at issue is that the ordinance only covers former Navy land, whereas the marsh crust extends beyond these boundaries. Secondly, the ordinance should have some follow up under the California Environmental Quality Act (CEQA). Ms. Lee inquired as to what consists of CEQA follow-up, and Mr. Kloc explained that when governmental actions have environmental impact, an analysis is done under CEQA to determine whether mitigations can be built in to lessen the impact. He commented that not covering the entire marsh crust is a problem although the City does not feel that additional institutional controls (ICs) are necessary.

Ms. Tasini stated that the City will vote on the ordinance on 18 January and the first week of February. Mr. Kloc asked if community members would like to send a letter to the City Council

in this regard. Ms. Lee suggested that the RAB defer to the marsh crust focus group members to decide whether or not to comment during the City Council meeting. Mr. Berges questioned whether it is within the RAB's charter to comment, given that the RAB charter specifically pertains to the base.

Mr. Leach commented that if the City will take over, it should be responsible for the entire marsh crust, as the federal and state agencies may not be involved after the City takes control. Mr. Kloc inquired of Mr. Job as to any other instances wherein the City had to undergo a CEQA check prior to adopting an ordinance. Mr. Job noted that environmental cleanup actions fall under a categorical exemption, which do not require a CEQA checklist. Ms. Tasini conceded, stating that this is the City's position. Given the time constraints, Ms. Lee made a motion that the RAB defer to the marsh crust focus group to comment at the 18 January City Council meeting; all were in favor, none were opposed.

### **Environmental Impact Statement (EIS)**

There was no report on this topic. Ms. Sutter stated that the comment period on the EIS is closed; the final environmental impact statement (EIS) has not yet been issued.

### **Administration**

There was no report on this topic.

### **OU-2**

Ms. Sutter removed herself from the focus group; Mr. Torrey and Ms. Lee joined the focus group. Mr. Edde confirmed that Larry Ramos is the current RPM. Ms. Lee noted that the Friends of the Alameda Wildlife Refuge will retain Dr. Michael Johnson as a consultant.

### **Site 25 Estuary Park/Community Outreach**

Mr. McMath asked if Estuary Park is part of OU-2. Ms. Cassa replied that it was part of OU-2, but that it will more than likely be considered an independent site. Ms. Lee explained that this separate focus group was formed as part of the community outreach efforts, due to particular interest in Estuary Park.

### **Radiological**

Mr. Edde confirmed that George Kikugawa is the current RPM. Ms. Cassa stated that the Navy's consultant is working on a report depicting the work accomplished to date, along with proposed further action. Mr. Edde stated that the work on installation restoration (IR) Site 10 (Building 400) has been completed; the street has been repaved. The contractor is in the final stages of cleaning up Building 5. Further cleanup is pending for IR Sites 1, 2, and 5.

### **OU-1 Remedial Investigation**

Anna-Marie Cook, US EPA, stated that data gaps are currently being addressed prior to issuing the draft final FS. There has been a delay of approximately three months.

### **Ecology Focus/OU-4**

In response to Ms. Sutter's comment, Ms. Lee stated that this focus group was formed in anticipation of the pending OU-4, which has not yet been issued. Ms. Cassa stated that a revamped OU-4 will include IR Site 2; the RI report will be issued in April. The Sediments Work Group addresses the remainder of OU-4. Ms. Behm joined the focus group.

## **VI. BCT Activities**

Ms. Cook stated that a meeting was held regarding Site 25 which resulted in the decision to open up parts of the park for the residents' use. The Site Management Plan (SMP) is pending; it is an enforceable schedule within the Federal Facilities Agreement (FFA) that will list due dates for major documents and events.

The BCT [BRAC Cleanup Team] also discussed how to present the voluminous data from OU-2 so that it would be more manageable. As OU-2 is too big to manage, it will be broken up into smaller chunks. She noted that Site 25 will be a separate OU; Site 14 will be in OU-1; OU-3 will remain Site 1, and OU-4 will consist only of Site 2. It is likely that one OU will consist of the remaining pieces.

The issue date for the SMP depends upon how quickly the different sites can be broken up into the various OU's. Various factors are at play, but she expressed her hope that the schedule can be finalized in one to two months. In response to Ms. Lee's inquiry, Ms. Cook explained that Seaplane Lagoon falls under the Regional Sediments Work Group. Mr. Job stated that on 6 January, the Water Board will meet with agencies such as the California Fish and Game and U.S. Fish and Wildlife Service regarding the sediments issue.

## **VII. Community and RAB Comment Period**

Patrick Lynch stated that during the last month, he had been observing the removal of a UST from the marsh crust from a location outside of the boundaries currently covered by the city ordinance. He noted that the tank pit was allowed to fill with groundwater. The water, which was covered with a sheen of oil and gasoline, was dumped into a storm drain as well as sprayed onto the surrounding property and air. He noted that the City of Alameda was responsible for this removal; he questioned whether the expertise or the desire exists within that agency to control the waste. He stated that proposing a remedy that is clearly ineffective does not exclude the Navy from future liability when people are exposed to contamination.

With respect to the soil excavation at the proposed play areas, Mr. Lynch stated that federal Superfund law requires an engineering evaluation and cost analysis prior to a removal action. He inquired as to when the document will be available for public review. Mr. McClelland replied that the excavation was to be done as a maintenance, as opposed to a removal, action. It has not been determined that the soil is contaminated. The excavation will be done as a precautionary measure so that the playground equipment will not need to be removed, in the event that the soil is indeed found to be contaminated and excavation deemed necessary. Mr. Lynch replied that it would be prudent to determine if material is contaminated prior to removing it from a Superfund site, hence the legally established prerequisites for removal. Mr. McClelland stated that the soil will not be removed without appropriate testing and controls. Mr. Lynch stated that the public should be kept apprised of the testing and controls that will be utilized.

He suggested that the plan be more carefully thought out, especially if structures will be installed that may have to be removed in the future to allow for possible excavation. Ms. Lee stated that it is her understanding that the excavation will be conducted now, so that in the event that the soil is found to be contaminated, it will already have been removed. Mr. McClelland confirmed that the Navy is treating the soil as if it were contaminated. Mr. Lynch replied that this plan assumes that

the contamination only goes down to 2 feet, whereas previous excavations have shown that contamination sometimes goes deeper than originally expected. Mr. McClelland stated that the excavation will be from 2 to 4 feet, depending on the sampling results. In response to Mr. Kloc's request, Mr. McClelland will provide a report to the RAB on the sampling results.

Ms. Sutter adjourned the meeting at 8:07 p.m.

***The next Restoration Advisory Board Meeting will be held at 6:30 p.m. on Tuesday, 1 February in Building 1, 1st floor, Suite #140, Community Conference Room, Alameda Point.***

**ATTACHMENT A**

**NAVAL AIR STATION ALAMEDA  
RESTORATION ADVISORY BOARD MEETING AGENDA**

**January 4, 2000**



# *RESTORATION ADVISORY BOARD*

*NAVAL AIR STATION, ALAMEDA*

## *AGENDA*

JANUARY 4, 2000 6:30 PM

ALAMEDA POINT - BUILDING 1 - SUITE 140

COMMUNITY CONFERENCE ROOM

(FROM PARKING LOT ON W MIDWAY AVE, ENTER THROUGH MIDDLE WING)

<u>TIME</u>	<u>SUBJECT</u>	<u>PRESENTER</u>
6:30 - 6:35	Approval of Minutes	Mary Sutter
6:35 - 6:45	Co-Chair Announcements	Co-Chairs
6:45 - 6:55	New Member Recruitment	Mary Sutter
6:55 - 7:25	OU-3 Update	Bill Kaktis
7:25 - 8:05	Project Teams, Round the Table	Team Leaders
8:05 - 8:20	BCT Activities	Anna-Marie Cook
8:20 - 8:30	Community & RAB Comment Period	Community & RAB
	RAB Meeting Adjournment	
8:30 - 9:00	Informal Discussions with the BCT	

**ATTACHMENT B**  
**SIGN-IN SHEETS**

**ALAMEDA POINT  
RESTORATION ADVISORY BOARD  
Monthly Attendance Roster for 2000**

Date: January 04, 2000

*Please initial by your name*

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
<b>COMMUNITY MEMBERS</b>												
Robert E. Berges	REB											
Dianne Behm	DB											
Horst Breuer												
Saul Bloom/Ken Kloc	SK											
Ardella Dailey	AD											
Douglas deHaan												
Tony Dover												
James D. Leach	JDL											
Jo-Lynne Lee	JLL											
Walter D. McMath	WDM											
Bert Morgan	BM											
Ken O' Donoghue	KOD											

\* denotes excused absence

Revised 12/10/99

[illegible]

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
<b>REGULATORY &amp; OTHER AGENCIES</b>												
Ravi Arulanantham												
Claire Best												
Mary Rose Cassa	RAE											
Anna-Marie Cook	Lea											
David Cooper	DCL											
Jim Haas												
Brad Job	AB/J											
Michael Martin												
Phillip Ramsey												
Steve Schwarzback												
Laurie Sullivan												
Sandre R. Swanson												
Dina Tasini	DT											
Joyce Whiten												
Dave Wilson												

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
<b>U.S. NAVY</b>												
Steve Edde												
Lisa Fasano	here											
George Kikugawa												
Patricia McFadden												
CDR Scott Smith												
Dennis Wong												
Warren Yip												
Mike McCelkand	here											
<b>TETRA TECH</b>												
Marie Rainwater												
<b>GPI</b>												
Kathleen Ellis												
Maria Villafuerte												
Barry Robbins												

## **ATTACHMENT C**

### **NAVAL AIR STATION ALAMEDA RESTORATION ADVISORY BOARD MEETING HANDOUT MATERIALS**

Resolution of the Restoration Advisory Board for the U.S. Naval Air Station, Alameda, CA, January 4, 2000

DTSC map of proposed location of fence at Estuary Park, January 5, 2000

Site maps, undated

Press Release, U.S. Office of Special Counsel informs Congress and the President that Navy report concerning potential PCB exposure at Naval Air Station does not comply with law, January 4, 2000

RESOLUTION OF THE RESTORATION ADVISORY BOARD (RAB)  
FOR THE U.S. NAVAL AIR STATION, ALAMEDA, CALIFORNIA  
JANUARY 4, 2000

WHEREAS: It is a function of the RAB to provide a forum for public comment and concern relative to past activities perpetrated by the Navy at the base which might affect the present or future responsibilities of the Navy during or after the base closing;

AND WHEREAS, the RAB provides oversight assistance and an avenue for legitimate concerns to be heard by the Navy and other agencies, and to be acted upon;

AND WHEREAS, the RAB has been presented with substantiated evidence that former fire fighter employees worked and performed training activities at sites containing significant levels of toxic and/or hazardous materials without said firefighters having been informed of such materials being potentially hazardous to their health;

AND WHEREAS, their supervisor, a Naval Officer, had been informed by his superiors of such hazards in official correspondence, yet purposefully withheld this information from the firefighters;

AND WHEREAS, said firefighters were not forewarned to wear appropriate protective equipment when working exposed to these hazardous materials, nor were they given informed choice;

AND WHEREAS, such exposures were not, therefore, posted in their health records;

AND WHEREAS, some of these former firefighters have experienced health problems requiring costly and ongoing treatment;

AND WHEREAS, the long term effects to their health, from said exposure, have neither been proved nor disproved;

WE THEREFORE, advise and recommend to the Navy, as a minimum response to their petition, that a record of their exposure to toxic and hazardous substances be added to their health records along with an apology from the Navy for the oversight;

AND FURTHER, that diligent search be made by the Navy to discover as many of the firefighters as possible, who were employees of the Navy at the Alameda NAS.



1/5/00

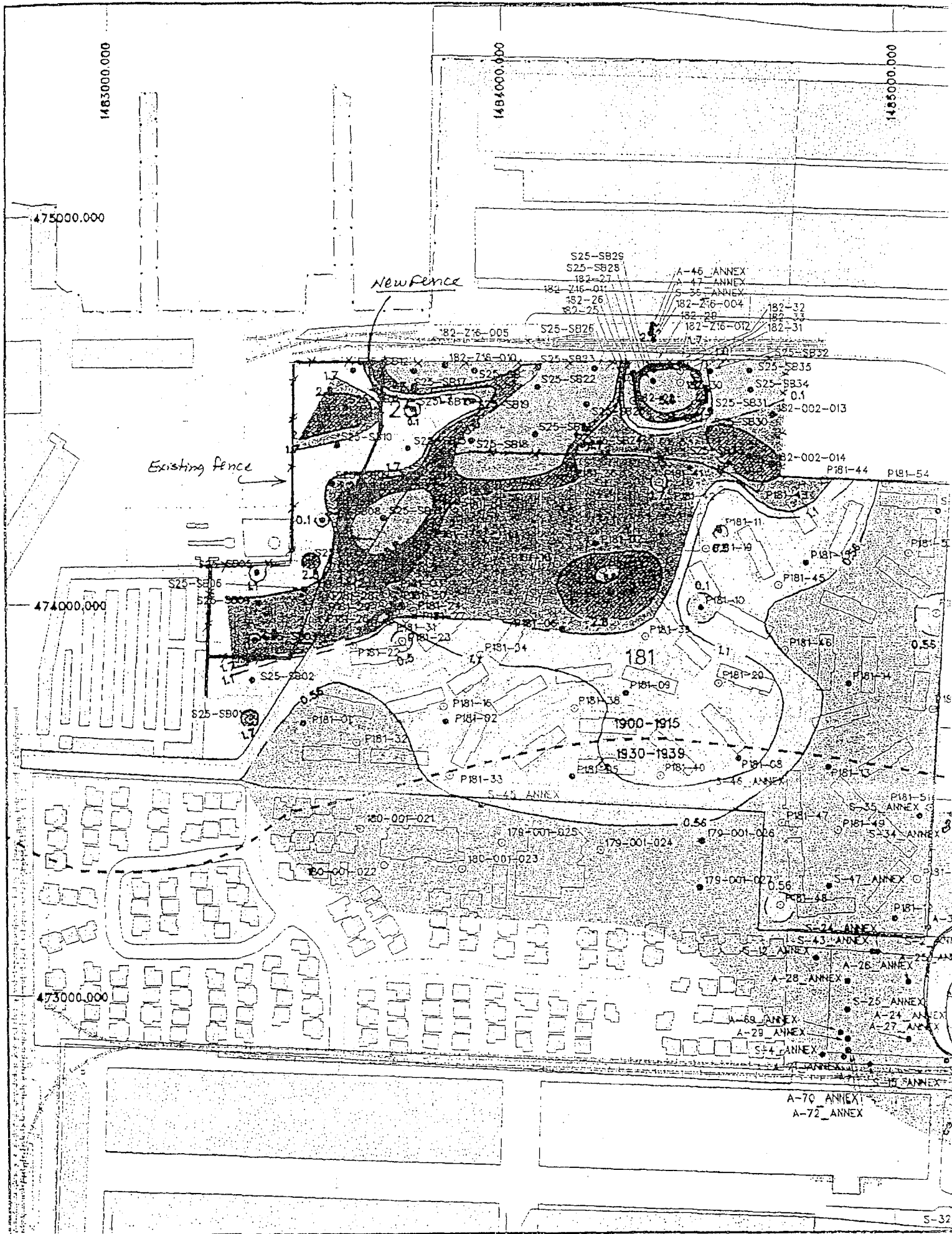
To: Ken Kloc

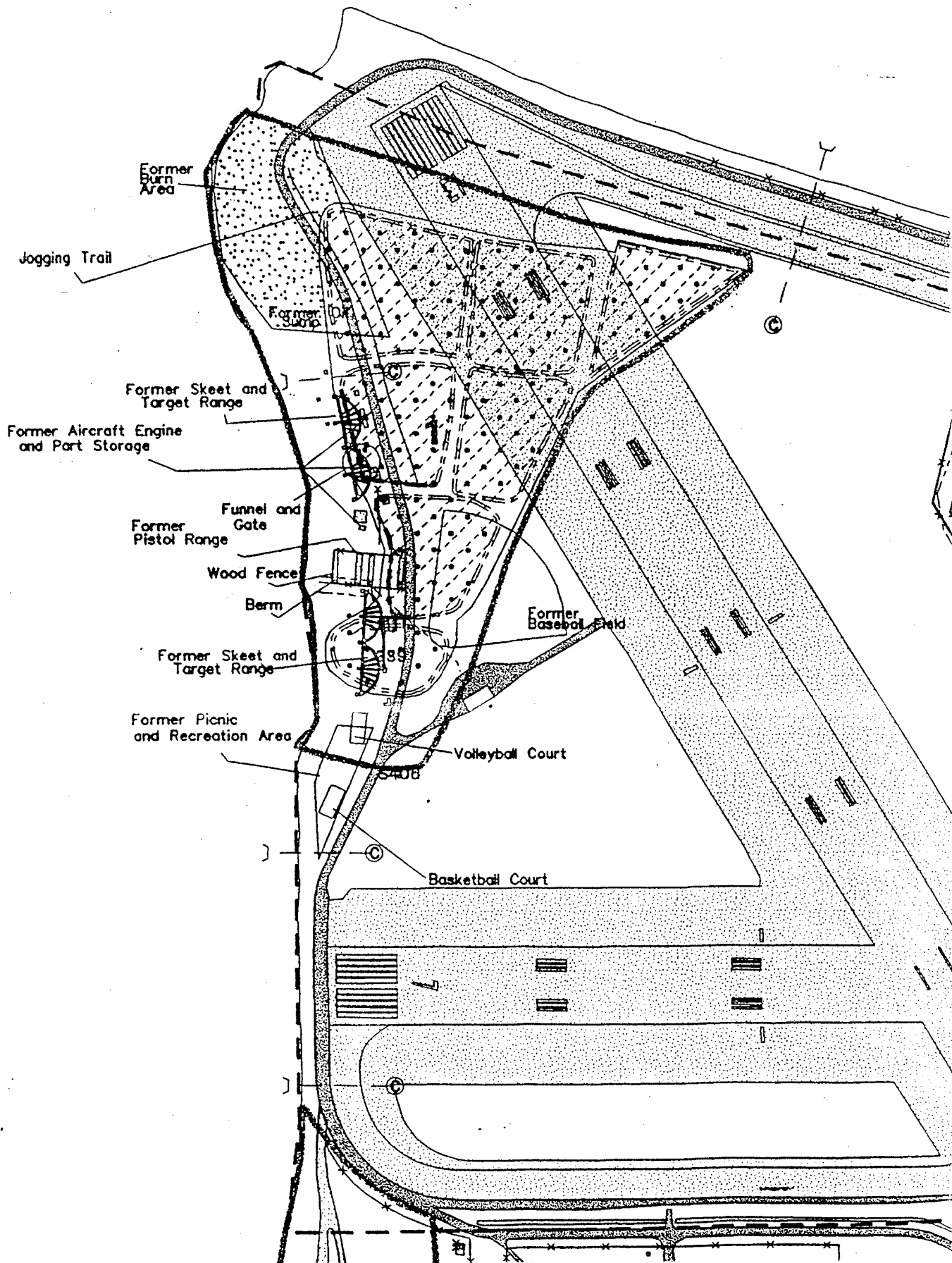
415-495-1787

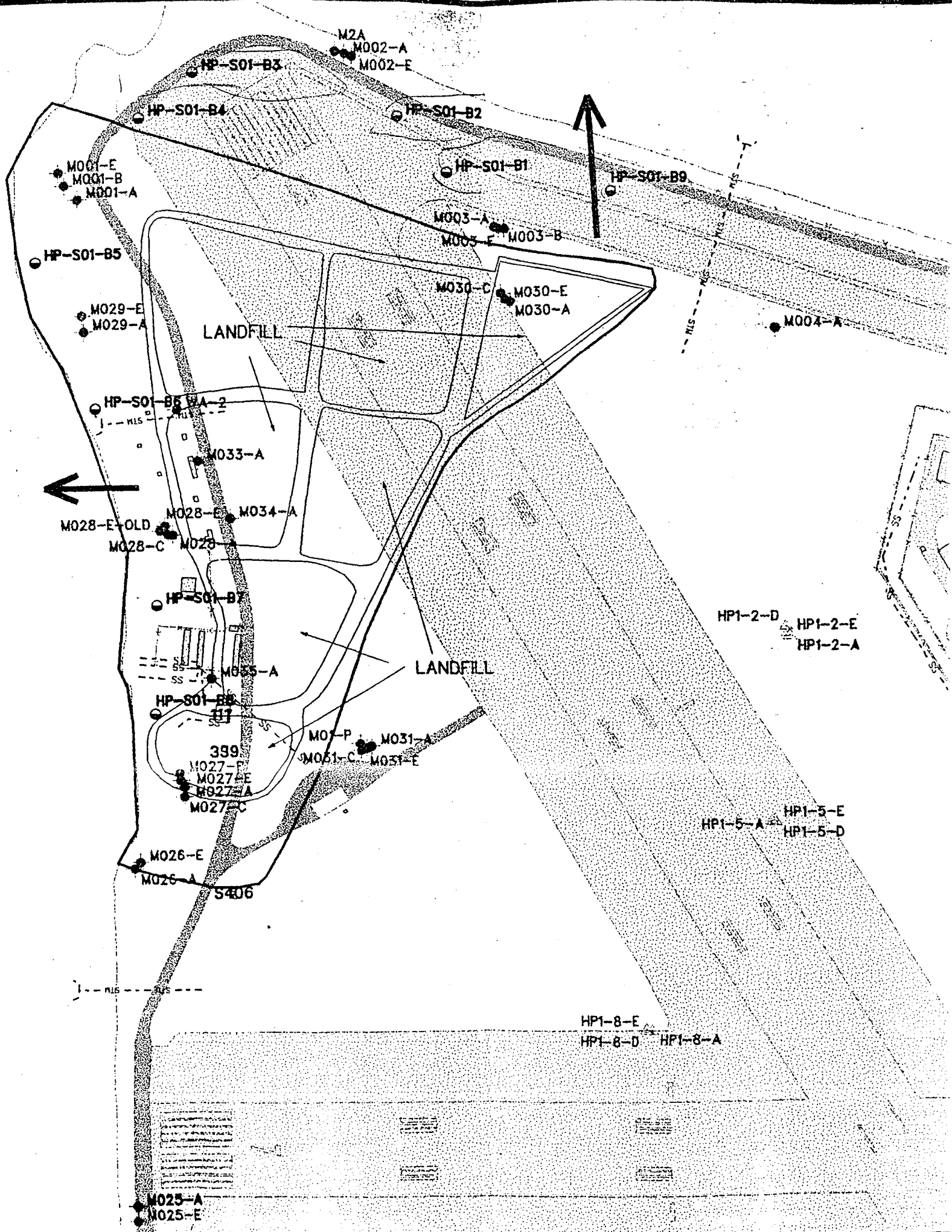
From: ANAS BCT

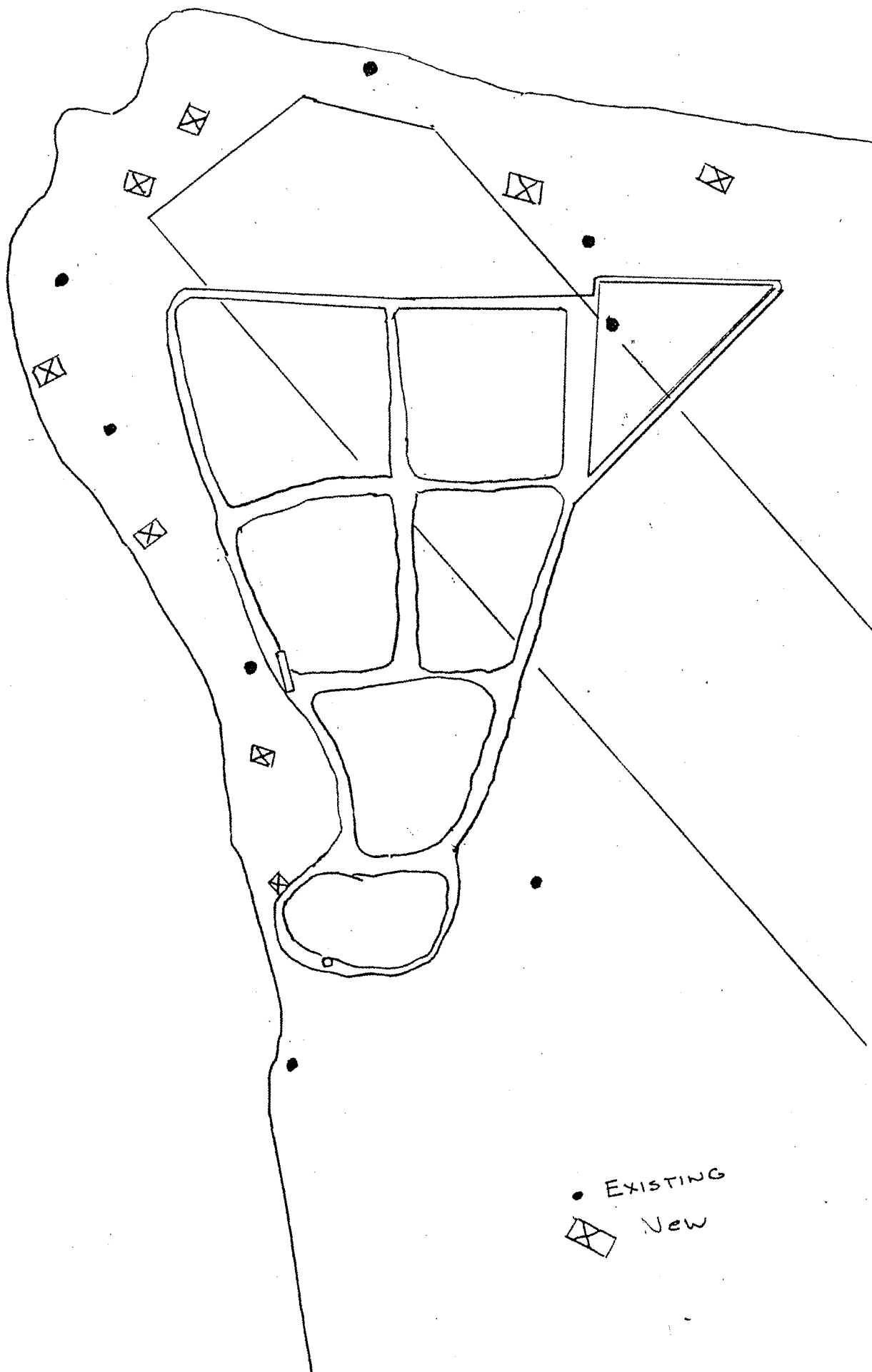
Ken: the attached map shows the proposed <sup>re</sup> location of the fence at Estuary Park to accommodate some interim use of the park by Coast Guard residents. The fence skirts the  $\geq 10^{-4}$  risk areas (i.e., still no access to  $\geq 10^{-4}$  risk areas in the park). Based on recreational exposure, the BCT is of the opinion that use of the baseball field, volleyball courts and picnic area will not pose an unacceptable risk.

mcc  
mem  
PK











U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 300  
Washington, D.C. 20036-4505

**U.S. OFFICE OF SPECIAL COUNSEL INFORMS CONGRESS AND THE  
PRESIDENT THAT NAVY REPORT CONCERNING  
POTENTIAL PCB EXPOSURE AT NAVAL AIR STATION  
DOES NOT COMPLY WITH LAW**

FOR IMMEDIATE RELEASE  
1/04/00

CONTACT: JANE MCFARLAND  
(202) 653-7984

Today, pursuant to 5 U.S.C. § 1213, the U.S. Office of Special Counsel (OSC), transmitted to the President and to the Congress, the Department of the Navy's report of investigation concerning whistleblower allegations of violations of law, rule, or regulation and a substantial and specific danger to public health and safety at the Naval Air Station (NAS), in Alameda, California. The whistleblowers, who made their disclosures to OSC, claimed that they and other Navy firefighters were exposed to PCB contamination for a period in excess of ten years and that Naval authorities had violated law and regulation by failing to warn them of the existence of the contaminants or provide them with protective equipment.

In its report in response to the allegations, the Navy admitted that it had violated the law by not informing the firefighters of the contaminants present at the site, but cited an earlier study for the proposition that the health risk for inhalation, ingestion and dermal contact with potentially dangerous materials within the affected sites was negligible. In transmitting the Navy's report to the President and Congress, Special Counsel Elaine Kaplan found that the Navy failed to include much of the information required by law, including, among other things, a description of the conduct of the Navy's investigation into the allegations or a description of the corrective action the Navy intends to take. Nor did the report indicate that the Navy intended to take

disciplinary action against the individual who was serving as Fire Chief at the Air Station, for failing to distribute a Hazard Communication to employees.

The Navy investigation was triggered by disclosures made to the OSC by Mr. Martinson and Mr. Beesley, former Navy firefighters who were stationed at NAS, Alameda, between 1985 and 1994. They alleged that as far back as 1983, the Navy had evidence that certain areas regularly used by firefighters for training and storage were contaminated with high levels of polychlorinated biphenyls (PCBs) and lead. They claimed that they and other firefighters worked regularly in the contaminated areas at NAS, Alameda, without knowledge of the contaminants and without appropriate protective equipment, despite federal laws and an order from the California Department of Health Services requiring the Navy to investigate the contamination and take remedial action. The whistleblowers alleged that in 1990, the Commanding Officer at NAS, Alameda, issued a Hazard Communication for areas including the firefighters' training grounds, to be distributed to all NAS, Alameda, employees, and that the Fire Division Chief failed to distribute this notice to firefighters.

The OSC found that Mr. Martinson's and Mr. Beesley's disclosures demonstrated a substantial likelihood of violations of law and substantial and specific danger to public health and safety, and forwarded the allegations to the Navy, directing it to conduct an investigation and provide a written report.

The Navy report cites a 1997 study by the Navy Environmental Health Center (NEHC), which found that the total health risk for inhalation, ingestion and dermal contact of all potentially dangerous or carcinogenic materials within the affected sites

was negligible. It admits, however, that the then-acting Fire Division Chief did not distribute the Hazard Communication to firefighters, and that the Navy violated federal occupational and health laws and the California order by not providing to employees all information concerning the contaminants present on the site and the corresponding risks to employees.

NAS, Alameda, was closed in April 1997. In 1997, the Navy conducted a two million-dollar clean up of the sites. The whistleblowers take issue with the methods and conclusions of the NEHC study, which they say are unreliable and contradict previous Navy site studies.

The Navy report stated that it is taking steps to place statements reflecting the exposure into the medical records of all affected firefighters. Acknowledging that the Navy failed to inform the firefighters of the information that was available concerning the chemicals known to exist at these sites, the report states that the Under Secretary is "considering appropriate remedial actions to preclude any similar oversights from occurring onboard U.S. Navy installations and vessels in the future."

In transmitting the Navy's Report to Congress and the President, Special Counsel Kaplan noted that it was not in compliance with law because it was not signed by the Secretary of the Navy (or his duly authorized delegate); it did not contain a description of the conduct of the investigation or the action planned as a result of the investigation; it failed to explain the basis for the Navy's legal conclusion that it was not required by the Occupational Safety and Health Act to supply protective equipment, establish a site control program, or engage in medical surveillance of employees; and it did not



explain its apparent decision not to take any disciplinary action against the former NAS Fire Chief.

Among its other functions, the Office of Special Counsel provides federal employees with a secure channel for blowing the whistle on violations of law, rule or regulation, gross mismanagement or waste of funds, an abuse of authority, or a substantial and specific danger to public health and safety. The OSC is empowered to require agencies to conduct investigations whenever it finds a substantial likelihood that a federal employee's disclosures demonstrate the existence of one of these conditions, and to report back to the OSC its findings along with any corrective action taken. After the OSC reviews the report to insure that it contains the necessary information and that its findings appear reasonable, the OSC transmits the report to the President and the Congress for further action by those entities, if appropriate.

Copies of the Navy report, Mr. Martinson's and Mr. Beesley's comments, and Special Counsel Kaplan's transmittal letter can be obtained by contacting the OSC.

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## TRANSMITTAL/DELIVERABLE RECEIPT

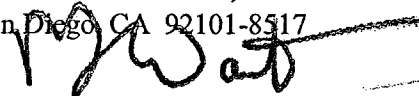
Contract No. N68711-00-D-0005

Document Control No. TC . A021 . 10074

TO: Mr. Ron Fuller, Code 02R1.RF  
Contracting Officer  
Naval Facilities Engineering Command  
Southwest Division  
1230 Columbia Street, Suite 1100  
San Diego, CA 92101-8517

DATE: 04/03/03  
DO: 021  
LOCATION: Alameda Point, Alameda, California

FROM:

  
Michael Wanta, Contract Manager

DOCUMENT TITLE AND DATE:

Restoration Advisory Board Meeting Summaries for 2002, April 2, 2003

TYPE: ☐ Contractual Deliverable ☐ Technical Deliverable (DS) ☒ Other (TC)

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